

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this date: December 20, 2001

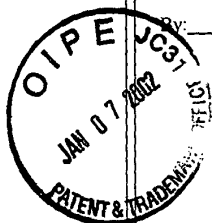
TOWNSEND and TOWNSEND and CREW LLP

3614 Rec'd PCT/P

07 JAN 2002

PCT  
PATENT

Attorney Docket No. 81992



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHAEL BOTHE, ET AL.

Application No. 09/180,699

Filed: November 13, 1998

For: APPARATUS FOR PROTECTING  
ELECTRONIC CIRCUITRY

Examiner: [unknown]

Art Unit: [unknown]

(A) PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT,  
(B) ALTERNATIVE PETITION  
PURSUANT TO 37 CFR 1.137(a) FOR  
REVIVAL OF UNAVOIDABLY  
ABANDONED APPLICATION,  
AND, FURTHER,  
(C) ALTERNATIVE PETITION  
PURSUANT TO 37 CFR 1.137(b) FOR  
REVIVAL OF UNINTENTIONALLY  
ABANDONED APPLICATION

San Francisco, CA 94111  
December 20, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I. Background

The above-captioned application was filed with an unsigned Declaration and Power of Attorney in the U.S. Patent and Trademark Office on November 13, 1998, as evidenced by the return postcard, the front and back of which is attached hereto as **Exhibit 1**.

Applicants' attorney received no further communication from the Patent Office, and on September 21, 2000 filed a Status Inquiry, a copy of which, including the return postcard (date-stamped by the Patent and Trademark Office September 27, 2000), is attached hereto as **Exhibit 2**.

In October 2001, the undersigned became concerned that still no communication had been received from the Patent Office concerning this application and telephoned the PCT Help

Application No. 09/180,699  
Page 2

Desk to inquire into the status of the application. In response to multiple telephone conversations and at the suggestion of Carol Bidwell, the undersigned forwarded to her by fax a copy of the above-mentioned Status Inquiry. A copy of the fax, including attachments, is attached hereto as **Exhibit 3**.

On November 27, 2001, the undersigned received a letter dated November 21, 2001 (copy attached as **Exhibit 4**) which states that the above-captioned application is abandoned and which forwarded copies of a "Notification of Abandonment" dated February 15, 2000 and a "Notification of Missing Requirements Under 35 USC 371", including a "Notification of a Defective Oath or Declaration", both dated March 29, 1999.

The undersigned never received the Notification of Missing Requirements, the Notification of a Defective Oath or Declaration, and the Notification of Abandonment until November 27, 2001.

Attached hereto is the Declaration of Michelle Simone, who is responsible for docketing the receipt of Office Actions from the U.S. Patent and Trademark Office. It demonstrates that the documents which led to the abandonment of this application have not been entered into the docket system of Townsend and Townsend and Crew. If they had been received, they would have been docketed.

The reason why the official letters were not received is plain on its face. Each document attached to the November 21, 2001 Patent Office letter (Exhibit 4) is addressed to "Townsend and Townsend and Crew, San Francisco, CA 94111", which is not a complete address. Consequently, they could not be delivered to Townsend and Townsend and Crew, which also explains why there is no entry in the docket system of Townsend and Townsend and Crew concerning the Notification of Missing Requirements dated March 29, 1999, as well as the Notification of Abandonment of February 15, 2000.

The unsigned Declaration and Power of Attorney with which this application was filed (attached as **Exhibit 5**) states on page 2:

"Send Correspondence to: J. Georg Seka  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Fl.  
San Francisco, CA 94111-3834"

II. Argument

*(A) Petition to Withdraw Holding of Abandonment*

Applicants petition that the holding of abandonment be withdrawn because, as demonstrated above, the address to which the Notification of Missing Parts was sent is plainly insufficient and, therefore, could not be delivered. A letter carrying the address "San Francisco, CA 94111" is undeliverable, as anyone who has ever mailed a letter knows.

In view thereof, applicants submit that the holding of abandonment should be withdrawn, and such an action is requested.

Although applicants believe that no fee is due, in the event a fee is nevertheless due for this petition to withdraw the holding of abandonment, the Commissioner is authorized to charge such fee, and any additional fee that may be due, to Deposit Account 20-1430 of the undersigned.

*(B) Alternative Petition to Revive Application for Unavoidable Abandonment*

Applicants failure to respond to the Notification of Missing Parts was unavoidable because the Notification was addressed such that it could not be delivered. In fact, it was not delivered and, therefore, it was impossible for applicants to timely respond.

The Commissioner is authorized to charge the large entity fee of \$110 pursuant to 37 CFR 1.17(l), and any additional fee that may be due, to Deposit Account No. 20-1430 of the undersigned.

*(C) Alternative Petition to Revive Application for Unintentional Abandonment*

Although applicants believe that the Notice of Abandonment should be withdrawn, or the application should at least be revived for unintentional abandonment, for the reasons discussed above, if neither petition is granted, applicants herewith alternatively petition to revive this application for unintentional abandonment pursuant to 37 CFR 1.137(b). The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

Application No. 09/180,699  
Page 4

The Commissioner is authorized to charge the fee of \$1,240 pursuant to 37 CFR 1.17(m), and any additional fee that may be due, to Deposit Account No. 20-1430 of the undersigned.

III. Reply to Notification of Missing Parts

Attached hereto is applicants' Response to Notification of Missing Parts Under 35 USC 371. It fully responds to the Notification of Missing Parts.

IV. Conclusion

In view of the foregoing, applicants request that the abandonment of the above-captioned application be withdrawn.

In the alternative, should the foregoing petition be denied, applicants request that this application be revived for unavoidable abandonment.

In the event that the petition to withdraw the abandonment and the petition to revive the application for unavoidable abandonment are denied, applicants request that the petition to revive the application for unintentional abandonment be granted and that this application be examined at an early date.

In addition to the charge authorizations set forth above, the Commissioner is hereby authorized to charge any fee in connection with this paper or otherwise required during the pendency of this application to Deposit Account No. 20-1430 of the undersigned.

Application No. 09/180,699  
Page 5

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



J. George Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300

JGS:jhw  
SF 1301825 v1



PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: November 13, 1998

File No.: 81992 Attorney: JGS/tp

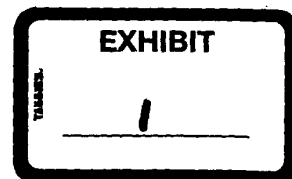
Inventor(s): Michael Bothe, et al.

Title: APPARATUS FOR PROTECTING ELECTRONIC CIRCUITRY

☐ Declaration ☐ Power of Attorney  
☒ Combined Declaration & Power of Attorney (unsigned)  
☐ Assignment ☐ Small Entity Decl.

No. Pages of Description: 5 Fee transmittal; preliminary  
No. Pages of Appendix:        amendment, Int'l search  
No. Pages of Claims: 2 report w/Engl. transl.  
No. Pages of Abstract: 1  
No. Sheets of Drawings: 404 Rec'd PCT/PTO 13 NOV 1998  
Microfiche Appendix:        09/180699

Please stamp the date of receipt of the enclosed documents and return this card to addressee



TOWNSEND & TOWNSEND  
& CREW  
98 NOV 23 AM 8:30  
RECEIVED



LAW OFFICES  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834

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20



**TO THE U.S. PATENT & TRADEMARK OFFICE**

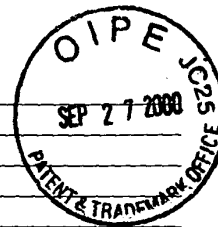
**Please stamp the date of receipt of the following document(s)  
and return this card to us:**

**RE:** Apparatus for protecting electronic circuitry  
**TITLE OF DOCUMENT(S):**

Status Inquiry, with copy of return postcard

OCT 03 2000

Application No. 09/180,699  
File No. 81992  
Date Due \_\_\_\_\_  
Date Mailed September 21, 2000  
Atty/Secty. JGS/jw



**EXHIBIT**

**2**



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PATENT

Attorney Docket No. 81992

TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MICHAEL BOTHE, ET AL.

Application No. 09/180,699

Filed: November 13, 1998

For: APPARATUS FOR PROTECTING  
ELECTRONIC CIRCUITRY

STATUS INQUIRY

San Francisco, CA 94111  
September 21, 2000


Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As evidenced by the postcard returned to the undersigned bearing the Patent Office date stamp thereon (copy enclosed), the subject application was received by the Patent Office on November 13, 1998.

To date, applicants' attorney has not received an Office Action in this case from the Patent Office. Please advise us of the status of this application.

Respectfully submitted,

  
J. Georg Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JGS:jhw  
SF 1138457 v1

PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: November 13, 1998  
File No.: 81992 Attorney: JGS/tp  
Inventor(s): Michael Bothe, et al.  
Title: APPARATUS FOR PROTECTING ELECTRONIC CIRCUITRY

☐ Declaration ☐ Power of Attorney  
☒ Combined Declaration & Power of Attorney (unsigned)  
☐ Assignment ☐ Small Entity Decl.

No. Pages of Description: 5 Fee transmittal; preliminary  
No. Pages of Appendix:        amendment, Int'l search  
No. Pages of Claims: 2 report w/Engl. transl.  
No. Pages of Abstract: 1  
No. Sheets of Drawings: 404 **REC'D PCT/PTO 13 NOV 1998**  
Microfiche Appendix:        **09/180699**

Please stamp the date of receipt of the enclosed documents and return this card to addressee

**TELECOPIER TRANSMISSION**  
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Law Offices of

**TOWNSEND and TOWNSEND and CREW LLP**

**Patents, Trademarks, Copyrights, Unfair Competition, Antitrust, Commercial Litigation**

Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111  
Telephone: (415) 576-0200  
Telefax: (415) 576-0300

To: Carol Bidwell  
Patent and Trademark Office  
At Telecopier No. (703) 305-2919  
From: J. Georg Seka (4530)  
Date: 11/07/01  
No. of Pgs. (incl. this pg.): 4  
File: 81992

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IF YOU HAVE ANY PROBLEM WITH RECEPTION, PLEASE CALL (415) 576-0200 OR  
TELEFAX (415) 576-0300 OR 0001-415-576-0300.

Per our telephone conversation, attached is a copy of the Status Inquiry filed September 21, 2000, to which we never received a response.

Also attached is a copy of the return postcard that shows that the Status Inquiry was received in the USPTO September 27, 2000.

We have never received any communication from the USPTO concerning this application and, therefore, were unable to respond to any Office Action that may have issued.

*J. Georg Seka*

11-7-01 CR  
0098

**IMPORTANT:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE BY APPLICABLE LAW OR COURT ORDER. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OF THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

**EXHIBIT**

**3**

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PATENT

Attorney Docket No. 81992

TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MICHAEL BOTHE, ET AL.

Application No. 09/180,699

Filed: November 13, 1998

For: APPARATUS FOR PROTECTING  
ELECTRONIC CIRCUITRY

STATUS INQUIRY

San Francisco, CA 94111  
September 21, 2000


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Respectfully submitted,

  
J. Georg Seka  
Reg. No. 24,491

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Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JGS:jhw  
SF 1138457 v1

PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: November 13, 1998  
File No.: 81992 Attorney: JGS/tp  
Inventor(s): Michael Bothe, et al.  
Title: APPARATUS FOR PROTECTING ELECTRONIC CIRCUITRY

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☐ Assignment ☐ Small Entity Decl.

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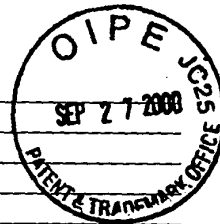
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**TITLE OF DOCUMENT(S):**

Status Inquiry, with copy of return postcard

**OCT 03 2000**

**Application No.** 09/180,699  
**File No.** 81992  
**Date Due** \_\_\_\_\_  
**Date Mailed** September 21, 2000  
**Atty/Secty.** JGS/jw



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Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111  
Telephone: (415) 576-0200  
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To: Carol Bidwell  
Patent and Trademark Office  
At Telecopier No. (703) 305-2919  
From: J. Georg Seka (4530)  
Date: 11/07/01  
No. of Pgs. (incl. this pg.): 4  
File: 81992

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NOV 21 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov


J. Georg Seka  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center  
8th Floor  
San Francisco, CA 94111-3834

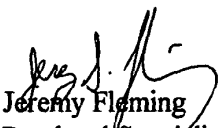
J65  
681992 000000US

In re Application of  
MICHAEL BOTHE, et al.  
Application No.: 09/180,699  
PCT No.: PCT/EP97/00689  
Int. Filing Date: 13 February 1997  
Priority Date: 15 May 1996  
Attorney's Docket No.: 81992  
For: PROTECTIVE DEVICE FOR AN  
ELECTRONIC CIRCUIT

Dear Mr. Seka:

This is in response to your communication received 07 November 2001 requesting the status of U.S. application 09/180,699. U.S. application 09/180,699 is abandoned. Copies of the "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909 mailed 15 February 2000), the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905 mailed 29 March 1999), the "NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION" (Form PCT/DO/EO/917 mailed 29 March 1999) and the "NOTICE OF DEFECTIVE TRANSLATION" (Form PCT/DO/EO/913 mailed 29 March 1999) are included with this letter.

  
Leonard Smith  
PCT Legal Examiner  
PCT Legal Office  
703-308-6461  
JSF/LS:jf

  
Jeremy Fleming  
Paralegal Specialist  
PCT Legal Office

Tel: (703) 308-6154  
Fax: (703) 308-6459

Attachments: Copies of Forms PCT/DO/EO/909,  
PCT/DO/EO/905, PCT/DO/EO/917 and  
PCT/DO/EO/913.

EXHIBIT

4





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

|   |                       |                  |
|---|-----------------------|------------------|
| U.S. APPLICATION NO.  | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/180699   | BOTHE                 | M 81992          |
| J GEORG SEKA<br>TOWNSEND & TOWNSEND AND CREW<br>SAN FRANCISCO, CA 94111 |                       |                  |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP97/00689                         |                       |                  |
| I.A. FILING DATE  |                       | PRIORITY DATE    |
| 13 FEB 97   |                       | 15 MAY 96        |
| DATE MAILED: 29 MAR 1999  |                       |                  |

#### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence of each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

FREDERICK SMITH

Telephone: 703-305-3654



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

|   |                       |                  |
|---|-----------------------|------------------|
| U.S. APPLICATION NO.  | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/180699   | BOTHE                 | M 81992          |
| J GEORG SEKA<br>TOWNSEND & TOWNSEND AND CREW<br>SAN FRANCISCO, CA 94111 |                       |                  |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP97/00689                         |                       |                  |
| I.A. FILING DATE  |                       | PRIORITY DATE    |
| 13 FEB 97   |                       | 15 MAY 96        |
| DATE MAILED: 29 MAR 1999  |                       |                  |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
  - ☒ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☒ a non-English language.
    - ☐ English.
  - ☒ Translation of the international application into English.
  - ☐ Oath or Declaration of inventors(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☒ Preliminary amendment(s) filed 13 NOV 1998 and
  - ☐ Information Disclosure Statement(s) filed and
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
  - ☐ Other:
2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed:  
☒ PCT/DO/EO/917 ☒ Notice of Defective Translation  
☐ PTO-875  
FORM PCT/DO/EO/905 (December 1997)

FREDERICK SMITH  
Telephone: 703-305-3654



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

|   |                       |   |
|---|-----------------------|---|
| U.S. APPLICATION NO.  | FIRST NAMED APPLICANT | ATTY. DOCKET NO.                                |
| 09/180699   | BOTHE                 | M 81992   |
| J GEORG SEKA<br>TOWNSEND & TOWNSEND AND CREW<br>SAN FRANCISCO, CA 94111 |                       | INTERNATIONAL APPLICATION NO.<br>PCT/EP97/00689 |
|   |                       | LA. FILING DATE<br>13 FEB 97                    |
|   |                       | PRIORITY DATE<br>15 MAY 96                      |
| DATE MAILED: 15 FEB 2000  |                       |   |

#### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 29 MAR 1999 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Fred Smith

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U.S. APPLICATION NO.

09/180699

ATTACHMENT TO FORM PCT/DO/EO

### NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated;
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☒ (4) Other.

Reference numbers are missing in claim 2

**FREDERICK SMITH**

Telephone: 703-305-3654

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTECTIVE DEVICE FOR AN ELECTRONIC CIRCUIT

the specification of which (check only one item below):

☐ is attached hereto.

☐ was filed as United States application

Serial No. \_\_\_\_\_

on \_\_\_\_\_,

and was amended

on \_\_\_\_\_ (if applicable).

☒ was filed as PCT international application

Number PCT/EP97/00689

on February 13, 1997,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

| COUNTRY<br>(if PCT, indicate "PCT") | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 35 USC 119    |                             |
|-------------------------------------|--------------------|--------------------------------------|---|-----------------------------|
| Germany                             | 196 19 631.0       | May 15, 1996                         | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Germany                             | 196 47 035.8       | November 14, 1996                    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES            | <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES            | <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES            | <input type="checkbox"/> NO |

**EXHIBIT**

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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

| U.S. APPLICATIONS                     |                  | STATUS (Check one)                    |         |           |
|---------------------------------------|------------------|---------------------------------------|---------|-----------|
| U.S. APPLICATION NUMBER               | U.S. FILING DATE | PATENTED                              | PENDING | ABANDONED |
|                                       |                  |                                       |         |           |
|                                       |                  |                                       |         |           |
|                                       |                  |                                       |         |           |
| PCT APPLICATIONS DESIGNATING THE U.S. |                  |                                       |         |           |
| PCT APPLICATION NO.                   | PCT FILING DATE  | U.S. SERIAL NUMBERS ASSIGNED (if any) |         |           |
|                                       |                  |                                       |         |           |
|                                       |                  |                                       |         |           |
|                                       |                  |                                       |         |           |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

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|     |                         |  |                                     |   |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|                           |                           |                           |
|---------------------------|---------------------------|---------------------------|
| SIGNATURE OF INVENTOR 201 | SIGNATURE OF INVENTOR 202 | SIGNATURE OF INVENTOR 203 |
| DATE                      | DATE                      | DATE                      |

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|  |                         |   |                                     |   |
|--|-------------------------|---|-------------------------------------|---|
| 204  | FULL NAME OF INVENTOR   | FAMILY NAME<br>KNOP                           | FIRST GIVEN NAME<br>Ingmar          | SECOND GIVEN NAME                           |
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| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> |                         |   |                                     |   |
| SIGNATURE OF INVENTOR 204  |                         | SIGNATURE OF INVENTOR 205                     |                                     | SIGNATURE OF INVENTOR 206                   |
| DATE   |                         | DATE  |                                     | DATE  |

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|  |                         |   |                                     |   |
|--|-------------------------|---|-------------------------------------|---|
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|  | POST OFFICE ADDRESS     | POST OFFICE ADDRESS                       | CITY                                | STATE & ZIP CODE/COUNTRY                    |
| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> |                         |   |                                     |   |
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| DATE   |                         | DATE                                      |                                     | DATE  |

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